

## ENVIRONMENTAL ASSESSMENT, FONSI AND DECISION RECORD

**BLM, Bishop Field Office  
351 Pacu Lane, Suite 100  
Bishop, CA 93514**

**EA Number:** DOI-BLM-CAC-070-2010-0028-EA

**Lease/Serial/Case File No.:** CACA 051617

**Proposed Action Title/Type:** LADWP Keeler Shale Pit Haul Road

**Location of Proposed Action:** MDB&M, T. 17 S., R. 38 E., Section 10,  
W1/2SW1/4NW1/4,  
SE1/4SW1/4NW1/4NW1/4.

**Applicant (if any):** Los Angeles Dept. of Water and Power

### **Plan Conformance:**

The proposed action is subject to the Bishop Resource Management Plan (RMP) which was approved on March 25 1993. The proposed action has been reviewed and is in conformance with the plan even though it is not specifically provided for, because it is clearly consistent with the following RMP policy.

The 1993 Bishop RMP states under General Policies on Page 8, No.1; "Management will be on the basis of multiple use and sustained yield as per FLPMA section 102 (a)(7)." Under the idea of multiple-use and sustained yield, the BLM is also authorized under FLPMA section 501(a)(1-7) to grant Rights-of-Way (ROW) and amendments to ROWs for such uses as pipelines, roads, power lines, wells, and other facilities on the public lands for the public good.

In addition, the proposed action does not violate any Bishop RMP decisions, terms, or conditions.

### **Purpose and Need for Proposed Action:**

The purpose of the project is to provide access across public lands to the Keeler Shale Pit and to allow for certain surface disturbing activities associated with the road use. The road would be used for hauling mineral material from the pit for use on the Owens Lake Dust Mitigation project. The proposal would minimize haul truck travel on Hwy 136 and would provide a safe highway intersection.

The need for the project is established by BLM's responsibility under FLPMA to respond to a request for a right-of-way grant for access across public lands. The BLM will determine whether or not to grant the right-of-way proposal.

## **Description of Proposed Action, Alternative A:**

The proposed action would be to grant a 30-year renewable road ROW (CACA 051617) with standard road ROW stipulations to the Los Angeles Department of Water and Power. The ROW grant would authorize construction of a 1600 foot long haul road being 50 feet total width with a 30 foot wide roadbed with a paved ingress and egress apron at the intersection of Hwy 136. The authorization would allow for periodic maintenance consisting of grading, gravel fill, and dust control during use. The remaining 20 feet of ROW width would be used for road base side-casting and any parallel drainages needed for the road. Continuation of the haul road east of Hwy 136 is being simultaneously authorized by the BLM Ridgecrest Field Office. See Exhibit A and B.

The road would begin at Sulfate road (LADWP Owens Lake Operation Office) heading northeast using the old highway corridor for 1,400 feet. The old 20-foot wide highway was paved with 1-2" of asphalt. This asphalt would be removed and disposed of offsite. A 6-12" packed gravel surface would be used for the roadbed. Drive-through drainage crossings would be placed where needed for surface flow runoff during rain events. At a point on the old highway, the road would turn east crossing 200 feet of undisturbed public land. This remaining 200 feet of road would be newly constructed using the same roadbed type as described above. The end of the road would intersect Hwy 136 with a paved ingress/egress apron.

The paved ingress/egress apron would have a maximum width of 300 feet along the highway edge-line and then tapering towards the west to 40 feet along a length of 180 feet to meet the gravel portion of the constructed road. The intersection would have traffic control per the Caltrans encroachment permit. The newly constructed road is within the Caltrans Hwy 136 ROW and is covered under the encroachment permit. See Exhibit B.

The ingress/egress apron construction would use a water tender, dump trucks, backhoe, grader, a bulldozer, asphalt paver, and pickup trucks. LADWP has a Caltrans encroachment permit for the apron and is required to comply with Caltrans rules and regulations including the National Pollution Discharge Elimination System (NPDES), the Storm Water Pollution Protection Plan (SWPPP), or the Water Pollution Control Program (WPCP).

Construction could take place anytime from May 1, 2010 to November 1, 2010 and would take about 3 weeks. It is expected that 15-20 people would be onsite during construction. Road construction would use semi-dumps, a grader, bulldozer, front-loader, backhoe, and pick-ups.

Long-term road use would consist of semi-haul trucks moving mineral material from the Keeler Shale pit to the Owens Lake project. This could amount to 3-4 trucks per hour (25 tons/load), 8 hours per day, and 5 days a week during daylight hours. This amounts to 24-32 round-trips per day. It is expected that material hauling would continue until

the construction phase of the dust mitigation project is completed (< 5 years), and after that, in cycles depending on when additional material is needed for maintenance needs. Road use would be under permit from Great Basin Unified Air Pollution Control District (GBUAPCD) and would have to comply to dust and emission standards.

The access road would be topped with a compacted gravel base and would require periodic maintenance of grading, gravel refill, and the use of a water truck for dust control during construction and long-term use. Dust palliatives may also be used rather than water.

### **No Action Alternative, Alternative B:**

Under this alternative, the proposed action would not be authorized. The proposed road construction would not take place. Material would be hauled to the lake from the Keeler Shale pit using the existing pit road and then traveling 1/3 mile on Hwy 136 to Sulfate road. An ingress and egress apron would have to be constructed at the Hwy 136 intersection.

### **Description of Alternatives that were considered but were not analyzed:**

The other alternative would be to utilize the existing pit access road. This road intersects Hwy 136 at a 45 degree angle and would have to have a re-configured intersection, so that, the entrance is 90 degrees to the highway. In addition, this route would require haul trucks to travel 2,300 feet on Hwy 136 to Sulfate road. LADWP and Caltrans consider this to be a safety hazard as well as a long-term weight impact to the highway pavement resulting in a shorten lifespan to the pavement. This alternative does not meet the objectives and purpose of the proponent.

The BLM prefers to utilize existing roads, where possible, when considering access routes to project sites. The proposed action utilizes the old highway corridor except for 200 feet of proposed road across undisturbed public land.

Based on the above, no other alternatives were considered except for the proposed action and the no action alternative.

### **Affected Environmental and Impacts, Alternative A:**

Due to the geographic location, size and configuration of the proposed road amendment, many resource values do not occur or exist in the area potentially affected by this proposed action. The following resource list identifies those physical, biological or other pertinent resources BLM considered and discarded from further evaluation because of their nonexistence:

Areas of Critical Environmental Concern  
Essential Fish Habitat  
Farmlands, Prime or Unique

Floodplains  
Hazardous Materials  
Minerals (Mining Activity)  
Threatened & Endangered Vegetation  
Threatened & Endangered Wildlife  
Waste, Hazardous or Solid  
Wilderness or Wilderness Study Areas  
Wild & Scenic Rivers  
Environmental Justice, Low income or Minority groups, per Executive Order 12898  
(2/11/94).

The following resources exist in the area of potential effect, are described, and analyzed for impacts:

### ***Cultural resources***

The proposed action area was assessed for cultural resources by the BLM Bishop F.O. archeologist on March 11, 2010 and documented in report CA0170-10-39. No cultural resources were located within the Area of Potential Effect (APE). There would be no impact to cultural resources from the proposed action unless sub-surface resources were discovered during construction.

### ***Visual resources***

The proposed action area is designated as a Class III for Visual Resource Management. Class III is defined as, "Contrasts to the basic elements (form, line, color, texture) caused by a management activity may be evident and begin to attract attention in the characteristic landscape. However, the changes should remain subordinate to the existing characteristic landscape."

The key observation point (KOP) for the proposed action is along Hwy 136 and consists of views by the traveling public from the southeast and the northwest bound lanes. Views from both directions are of alluvial fans with desert mountain ranges and the Owens Lake. The traffic speed varies from 60 to 75 mph. The project area, which is the old highway, is near Hwy 136 but diverges away from the highway. It is also slightly lower than Hwy 136, mostly void of vegetation, and is not visible from the highway. The proposed road intersection would be level with the highway shoulder and then would slope downward toward the lakeshore.

The northwest bound traffic would not notice the haul road because; it would originate about ¼ mile west of the highway, would be at a slightly lower elevation, and would gradually merge towards the highway. The distance and lower grade of the proposed road and the gentle merging allows the casual observer to look beyond the road and more towards the lake in the distance and the Sierra Nevada Mountains.

The proposed action would be evident from the southeast bound lane. Since the road would be slightly below the highway and diverging away from the highway, it tends to move out of view of the traveling public. It would not attract attention since the dominant feature at the project area is the existing LADWP Owens Lake project office to the south. This building is really where one's attention is drawn and the haul road merely becomes a part of that view. The intermittent timing of the trucks using the road would result in the trucks being on the road only 6 times within an hour. Most people moving along the highway would pass without seeing a truck.

The intersection would be evident only because of the signs required by Caltrans on the highway. The intersection itself would not attract attention due to the high vehicle speed and because the intersection is level with the generally flat highway.

The proposed action would be evident along the southeast bound traffic lane but would not attract attention nor become a dominant feature in the landscape. The proposed road segment, although visible, would become a part of the office building in the distance which already dominates the view in that direction. The proposal meets VRM Class III standards, and therefore, there is no impact to VRM.

### ***Vegetation***

The proposed project area contains a sparse (<15% cover) of alkali scrub and desert scrub species dominated by *Suaeda moquinii* (seepweed). Sub-dominant species include *Atriplex hymenelytra* (desert holly), and *Atriplex parryi* (Parry's saltbush). The eastern portion of this site contains a higher percentage of alluvial material. Species composition shifts to more upland desert scrub species including; *Atriplex canescens* (shadscale), *Lepidium fremontii* (desert alyssum) and understory forbs such as *Chaenactis carphoclinia* (pebble pinchushion), *Cammissonii boothii* and *Cleomella* species.

The project proposal would remove approximately 8,000 sq. ft. of sparse alkali scrub (primarily *Suaeda*) and desert scrub vegetation. Vegetation surrounding the proposed project site is similar and relatively contiguous. No long-term impacts, e.g. loss of plant resiliency and cover to the surrounding plant community types would occur as a result of the proposed action.

### ***Special Status Plant Species***

No Special Status Plant Species populations are present in the proposed project area based on a field survey conducted on 3/18/2010 as well as CNDDDB and previous surveys (Owens Lake Studies – CH2MHill, 2001).

Special Status Plant Species are those species that have been listed by the California Native Plant Society as List 1B species, which includes plants that are rare, threatened, or endangered in California and elsewhere. All of the plants constituting List 1B meet the definition of Sec. 1901, Chapter 10 (Native Plant Protection Act), or Secs. 2062 and

2067 (California Endangered Species Act) of the California Department of Fish and Game Code, and are eligible for state listing. The Bishop Resource Management Plan (BLM 1993, p. 17) stipulates year-long protection of sensitive plants (Special Status Plants) and their associated habitats.

One historical record for *Erigeron calvus* exists in proximity to the town of Keeler, but this species occurrence is at higher elevation and on distinct alluvium substrates. Other species surveyed for, but not located during the survey included; *Loeflingia squarrosa* ssp. *artemisiarum*, *Oryctes nevadensis*, *Phacelia inyoensis* and *Cymopterus ripleyi*. Annual and perennial forb production is above-average this year which would increase the potential representation of these species if present.

### ***Invasive, non-native species***

No invasive weed species were documented at the proposed project area.

No net increases to invasive weed species are likely to occur as a result of the proposed action because standard operating procedures to reduce weed seed spread have been incorporated in the ROW

### ***Wildlife habitat***

The project area provides some habitat for birds and lizards with a rocky soil surface (largely previously paved with asphalt and elsewhere having natural desert pavement), about 5% shrub cover mostly less than 0.5 meter height, and scattered forbs. It is not known or expected to support any listed or sensitive species or other species of concern.

The project area is not in a rare or unusual habitat type and the area to be disturbed represents a very small percentage of similar, adjacent available wildlife habitat. It does not appear to offer desirable nesting habitat for any bird species that would be expected to occur in the general area.

Disturbance to any resident wildlife would increase with increasing use of the road. The project area is entirely within about 200-300 feet of Highway 136, so traffic disturbance is already a feature of the general area.

### ***Air quality***

Air quality would be affected. The proposed action is within the Owens Valley federal nonattainment area. The action would result in the emission of PM<sub>10</sub>.

Because the Owens Valley is classified non-attainment for PM<sub>10</sub> the haul road would be subject to EPA's General Conformity requirement. Reasonably foreseeable dust emissions associated with haul road use must be quantified.

Emissions must be shown to be less than de minimis threshold amounts of 70 ton/yr. It must also be shown to be below significant levels which are defined as less than 10 percent of a non-attainment or maintenance area's total emissions budgeted for PM10. The PM10 Planning emissions Inventory of the Owens Valley PM10 Demonstration of Attainment State Implementation Plan (SIP) is 8,905.4 tons per day or 294,080 tons per year. The 10 percent limit is 890 tons per day or 29,408 tons per year.

PM10 emissions calculated for the haul road are based on 4 trucks per hour, 8 hours per day, and 240 days per year. PM10 emissions for both haul road use and exhaust would be 0.013 tons per day or 3.25 tons per year. See Exhibits D and E.

The proposed action would be below the de minimis threshold and would be below 10 percent of a non-attainment or maintenance area's total emissions budgeted for PM10. The proposed action is exempt from any further requirements under the Federal Conformity Rule 40 CFR 93.153©(1). See Exhibit F.

### ***Climate Change***

United States Department of Interior, Order Number 3226, signed January 19, 2001, Evaluating Climate Change Impacts in Management Planning, is an order to ensure that climate change impacts are taken into account in connection with planning and decision making. Climate change refers to any significant change in measures of climate (e.g. temperature or precipitation) lasting for an extended period of time (decades or longer). Climate change may result from: natural processes, such as changes in the sun's intensity; natural processes within the climate system (e.g. changes in ocean circulation); human activities that change the atmosphere's composition (e.g. burning fossil fuels) and the land surface (e.g. urbanization) (IPCC, 2007)

"There is broad scientific consensus that humans are changing the chemical composition of our atmosphere" (Jones & Stokes, August 2007). Changes in the atmosphere have likely influenced temperature, precipitation, storms, and sea level (IPCC, 2007). Rising greenhouse gas (GHG) levels are likely contributing to global climate change. In the eastern Sierra region of California, climate change may result in warmer, drier conditions, and potentially more extreme weather events.

However, challenges exist to determine what fractions of climate change are due to natural variability versus human action since natural contributions of GHGs occur (USEPA #430-R-08-005, 2008).

The potential impact to air quality, concerns the levels of Green House Gas (GHG) emissions from the construction phase of the 1.47 acre project and the long-term use of the road for hauling purposes. The project incorporates measures that substantially reduce GHG emissions during construction from the use of equipment that meets current standards for State of California exhaust emissions. The haul road would operate under a GBUAPCD permit and would incorporate the use of water or dust palliatives during haul road operation.

The Great Basin Unified Air Pollution Control District has pointed out that there is a lack of agency-adopted standards for which to determine whether potential cumulative impact is or is not significant. The portion of GHG emissions originating from the construction phase of the 1.47 acres of public land and the long-term use of the road for hauling is not considered to be significant in relation to the total emissions of the Owens Lake Dust Mitigation 9,664 acre project.

Concerning GHG emissions and potentially subsequent Global Warming impacts, current regulations and standards in regards to greenhouse gases have not been developed and finalized, and it cannot be determined to a reasonable degree of certainty that the proposed project would result in a considerable incremental contribution to the significant cumulative impact of global climate change.

### ***Safety***

The speed limit on Hwy 136 is 65 MPH with traffic moving at 60 to 75 MPH. Traffic varies greatly between daylight and nighttime and during the week. Traffic can be light to moderate use. The existing pit road entrance, at a 45 degree angle to Hwy 136 is hazardous and cannot be used for semi-haul trucks over the long-term.

It is expected that the proposed intersection with signage will provide a safe crossing for both haul trucks and the traveling public and minimize highway damage.

### ***Cumulative effects***

This project is expected to contribute to cumulative effects because its impacts are largely confined to air quality through PM10 emissions. Although the emissions are very low, they do add to the existing air quality problems in the Owens Valley. The purpose of the project is to provide a haul road so that mineral material can be transported to the various areas of the lake requiring dust mitigation. The overall benefit from the dust mitigation project is a reduction of PM10 emissions from Owens Lake to the levels as required by the National Ambient Air Quality Standards by 2010. This is an overall health benefit from PM10 emission reduction and a general improvement of air and visual quality for the Owens Valley especially during high wind events. This project does not have significant impacts upon the human environment.

Cumulative effects of the proposed action are largely confined to the Inyo County area where the east-central Sierra is a popular and heavily visited vacation destination. Regarding the proposed action, past and present actions are concentrated in the Owens Lake basin where dust emissions have been generated as part of the mitigation activities taking place on the lake shore for the last 5 years. In the foreseeable future, it is expected that the dust emission construction activities will cease and the mitigation project will vastly improve air quality in the Owens Lake basin and the Owens Valley in general.

The assessment of GHG emissions and climate change remains in its formative phase.



The lack of scientific tools designed to predict climate change on regional or local scales limits the ability to quantify potential future impacts of climate change on resources within the Bishop Field Office. In addition, while the proposed action and no action alternatives may involve some future contribution of GHGs, these contributions would not have a noticeable or measurable effect, independently or cumulatively, on a phenomenon occurring at the global scale believed to be due to more than a century of human activities. Neither the proposed action nor the no action alternative would authorize an increase in activities that would increase GHG emissions.

It is not expected that the loss of vegetation would have a cumulative effect in the local area due to the large amount of intact acreage having vegetative characteristics similar to that lost.

### **Description of Mitigation Measures and Residual Impacts:**

1. Utilize standard ROW stipulations for cultural resources. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
2. Prior to entering public land, all equipment will be spray-washed in order to remove weed seeds and or dirt clods which might contain weed seeds.
3. Execute noxious weed control measures during the life of the project and up to five years after rehabilitation of the site. Weed treatment would include physical removal of Russian thistle seedlings.
4. Maintain a Great Basin Unified Air Pollution Control District permit for haul road use for the life of the right-of-way. Water or a BLM acceptable dust palliative will be used for dust control during haul road use.

Utilization of the above mitigation would minimize potential impacts to cultural resources, weed invasion, and PM10 emissions. The only residual impacts upon applying the mitigation would be that PM10 dust emissions would not be eliminated but highly reduced.

### **Implementation Monitoring:**

Bishop FO realty specialist will verify that the action and any required mitigation have been completed as described.

## Environmental Impacts, Alternative B:

Under this alternative, the proposed action would not be authorized and the proposed road construction would not take place. LADWP would use the existing access road to the Keeler Shale Pit.

Generally, the road ingress/egress apron improvement and widening would still have to be completed on the existing pit access road in order to allow for slow trucks to safely enter or exit Hwy 136, thereby improving traffic safety along Hwy 136.

In addition, this route would require haul trucks to travel 2,300 feet on Hwy 136 to Sulfate road. LADWP and Caltrans consider this to be a safety hazard as well as a long-term weight impact to the highway pavement resulting in a shorten lifespan to the pavement.

## Persons/Agencies Consulted:

Jaime Valenzuela	LADWP, Civil Engineering Associate II
Scott Cimino	LADWP, Real Estate
Bob Strub	LADWP, Project Assistant
Paul Rodriquez	BLM, Ridgecrest FO, Realty Specialist

## Preparer(s):

Larry Primosch	BLM, Realty Specialist
Anna Halford	BLM, Botanist
Greg Haverstock	BLM, Archeologist
Joy Fatooh	BLM, Wildlife Biologist

**Date:** April 11, 2010

## References

Intergovernmental Panel on Climate Change. IPCC Fourth Assessment Report: Climate Change 2007. Available at:  
<<http://www.ipcc.ch/ipccreports/assessments-reports.htm>>

Jones & Stokes Climate Change Focus Group (Tony Held, Ph.D, P.E., Terry Rivasplata, AICP, Ken Bogdan, J.D., Tim Rimpo, Rich Walter). August 2007. Addressing Climate Change in NEPA and CEQA Documents. Available at:  
<<http://www.climatechangeandfocusgroup.com>>

**Reviewed By:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Environmental Coordinator**

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## **FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

### **LADWP Keeler Shale Pit Haul Road Right-of-Way CACA 051617**

I have reviewed this environmental assessment for the Los Angeles Department of Water and Power Keeler Shale Pit Haul Road including the explanation and resolution of any potentially significant environmental impacts. I have determined that the proposed action (Alternative A) with the mitigation measures described below will not have any significant impacts on the human environment and that an EIS is not required.

There will be no effect on threatened or endangered species as a result of the action.

I have determined that the proposed project is in conformance with the Bishop Resource Management Plan, which was approved March 25, 1993. This plan has been reviewed, and the proposed action conforms with the land use plan terms and conditions as required by 43 CFR 1610.5.

It is my decision to implement the project with the mitigation measures identified below. The use of the mitigation measures will minimize potential impacts to cultural, noxious weeds, and air quality resources. The only residual impacts upon applying the mitigation would be that PM10 dust emissions would not be eliminated but highly reduced and well within conformity standards.

I choose Alternative A because it meets the proponent's purpose and need and is the acceptable alternative. The no action alternative would result in similar surface disturbance activities on nearby public land and would create higher safety concerns on Hwy 136, as well as, impacts to the highway roadway.

#### **Mitigation Measures/Remarks:**

1. Utilize standard ROW stipulations for cultural resources. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.

2. Prior to entering public land, all equipment will be spray-washed in order to remove weed seeds and or dirt clods which might contain weed seeds.
3. Execute noxious weed control measures during the life of the project and up to five years after rehabilitation of the site. Weed treatment will include physical removal of Russian thistle seedlings.
4. Maintain a Great Basin Unified Air Pollution Control District permit for haul road use for the life of the right-of-way. Water or a BLM acceptable dust palliative will be used for dust control during haul road use.

**Authorized Official:** \_\_\_\_\_

**Date:** \_\_\_\_\_

Bernadette Lovato  
Field Manager  
Bishop Field Office